

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KING COUNTY,

Plaintiff,

v.

CITY OF SAMMAMISH,

Defendant.

CASE NO. C17-0921-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Defendant's motion to dismiss for lack of jurisdiction (Dkt. No. 16) and Plaintiff's subsequent amended complaint (Dkt. No. 18). Defendant's motion alleged that Plaintiff's initial complaint failed to present a federal question sufficient to create jurisdiction under 28 U.S.C. § 1331. (Dkt. No. 16 at 1.) Plaintiff's amended complaint alleged multiple new federal claims. (Dkt. No. 18 at 16-18.)

Defendant recognizes that, in light of the amended complaint, it would not be appropriate for the Court to rule on its motion to dismiss at this time. (Dkt. No. 28 at 2.) Defendant intends to move for summary judgment dismissal of the newly alleged claims. (*Id.*) If that motion is granted, the original complaint will become the operative pleading again and Defendant's motion to dismiss will again be appropriate to consider.

1 Accordingly, the Court DEFERS ruling on the motion to dismiss (Dkt. No. 16) and  
2 directs the Clerk to TERMINATE the motion so it is no longer active. Should Plaintiff's newly  
3 alleged claims be stricken in the future, Defendant may ask the Court to reactivate the motion to  
4 dismiss (Dkt. No. 16) and set a new noting date.

5 DATED this 21st day of July 2017.

6 William M. McCool  
7 Clerk of Court

8 s/Paula McNabb  
9 Deputy Clerk